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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In Re:

JAVIER FRANCISCO LOPEZ

LESLIE MARY LOPEZ

Debtors

Case No. 2011-34425-A-13J
Hearing Date: July 25, 2011
Hearing Time: 01:30 PM
Courtroom 28 - Dept A
The Honorable Michael McManus
Docket Control No.: EJS-1

MOTION TO VALUE COLLATERAL OF

WELLS FARGO BANK, N.A. (formerly WELLS FARGO HOME MORTGAGE, INC.)

Eric J. Schwab of Law Offices of Nelson & Schwab, on behalf of Javier Francisco Lopez and Leslie Mary Lopez, the Debtors herein, hereby moves this Court for an Order Valuing the Collateral held by WELLS FARGO BANK, N.A.. This Motion is based on the following facts:

1. This case was commenced with the filing of a petition on June 9, 2011. Jan P Johnson was duly appointed to serve as the Chapter 13 Trustee in this case.
2. This motion is brought pursuant to 11 U.S.C. §506(a) and (d) and Rule 3012 of the Federal Rules of Bankruptcy Procedure.
3. As shown in the filed schedules of this case, the Debtors have an interest in the real property commonly-known as 215 Hays St. in Woodland, CA 95695 (hereinafter, the "ASSET"). The Debtors believe and assert that the reasonable, fair-market value of the ASSET is \$189,000.00.

4. This asserted value is based on the opinion of the Debtors. The Declaration of the Debtors in support of this value is filed concurrently with this Motion and incorporated herein by reference.

5. The Schedules filed on this case also disclose a debt owed to **WELLS FARGO BANK, N.A.**

6. The Debtors believe and assert that this creditor holds a valid security interest in the ASSET in the nature of a Second Deed of Trust.

7. The Debtors further believe and assert that the present balance owed by the Debtors to this creditor is **\$70,361.00**.

8. As also shown in Schedule D of the filed case, there is a creditor that holds a superior security interest in the ASSET. Specifically, WELLS FARGO BANK, N.A. holds a superior secured claim totaling \$280,694.00

9. In summary

Value of ASSET.....	\$189,000.00
Less: Superior lien.....	<u>\$280,694.00</u>
Adjusted Equity.....	\$-91,694.00
Less: Debt owed to WELLS FARGO BANK, N.A.	<u>\$70,361.00</u>
Net Equity.....	<u>\$-162,055.00</u>

10. Based on the foregoing and the Declarations filed herewith, the Debtors assert that the value of the security interest held by WELLS FARGO BANK, N.A. is \$0.00.

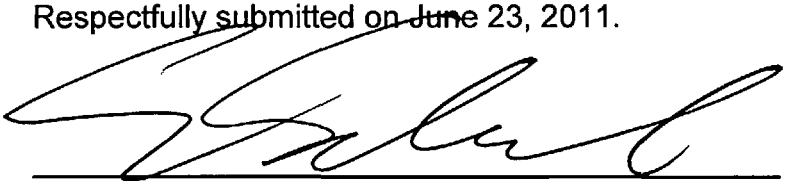
11. The Debtors further assert that, upon the Debtors obtaining a Discharge in this case, the claim of WELLS FARGO BANK, N.A., secured by an interest in the ASSET shall be deemed satisfied and the Debtors will be entitled to reconveyance of the subject deed of trust. If such interest is not reconveyed, the Debtors may file an adversary proceeding

1 under Rule 7001(2), of the Federal Rules of Bankruptcy Procedure to obtain such
2 reconveyance.

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5 RESTATEMENT

6 WHEREFORE, the Debtors request the Court to determine that the value of the security
7 interest, as held by WELLS FARGO BANK, N.A., in ASSET be set at \$0.00.

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9 Respectfully submitted on June 23, 2011.

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